

**SECRET**  
Security Information

19 AUG 1953

MEMORANDUM FOR: General Counsel

SUBJECT : Employee Disability Benefits Commensurate  
with Agency Assignment

1. In reviewing the compensation case of Mr. [REDACTED] an Agency employee injured during [REDACTED] in this country on 28 July 1952, the inadequacy of the civilian disability compensation benefits provided under the Federal Employees' Compensation Act in cases of Agency employees injured while engaged in certain extra-hazardous duties peculiar to this Agency has become crystalized.

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2. In this case, the subject incurred injuries diagnosed by his attending physicians as a compression fracture of the first lumbar vertebrae with neurological involvement of the sacral nerves and total loss of bladder function. The Bureau of Employees' Compensation assumed the cost of necessary medical care and disability compensation during the period of temporary total disability, and subject's fractured vertebrae has healed to the point where his physicians have allowed him to return to sedentary duties with the Agency. However, he is still required to wear an automatic bladder since he suffers from complete incontinence. His physician stated on 8 July 1953 that "this condition is permanent and incapacity is at the moment total, because of the incontinence".

3. A review of the Federal Employees' Compensation Act and informal discussions of this case with representatives of the Bureau of Employees' Compensation indicate that no further compensation benefits will be accorded subject on the basis of his present condition, unless there is a recurrence of the original disability or further medical treatment is required as a result of that original injury. Permanent partial disability benefits (compensation payments) may be provided by the Bureau only if the employee has a loss of wage-earning capacity or is eligible for a "Schedule Award", i.e. a monetary award based upon a loss or loss of use of a member of the body. An official confirmation of this understanding is now being obtained.

4. In discussions of his case with representatives of our respective offices, [REDACTED] has contended that in his opinion, this Agency should make available to its employees, engaging in extra-hazardous or peculiar types of occupations outside the realm of normal Federal civilian employment, disability benefits commensurate

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with their Agency assignments. He points out that if in fact he had been a member of the Armed Services engaged in [REDACTED] operations and incurred his present disability, he would have been entitled to a pension from the Veteran's Administration based upon a percentage of total disability for the duration of such disability, without regard to whether a loss of wage-earning capacity resulted or whether his type of disability constituted a disability for which a "Schedule Award" had been established.

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5. I am inclined to agree with Mr. [REDACTED] position, therefore I wish to present the following questions for your consideration and opinion:

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a. What is the specific authority under which this Agency places its employees in positions or assignments outside the scope of normal Federal civilian employment?

b. Does this authority to assign persons to peculiar duties (that is peculiar in the sense that they are not normally performed by other civilian employees) or to engage in unusual operations carry with it by implication or otherwise the authority to provide disability benefits commensurate with such duties?

c. If the question posed in b. above is answered in the affirmative, what is the extent or scope of this authority?

d. If the question posed in b. above is answered in the negative, what is the feasibility of requesting the necessary authority from the Congress to provide these benefits?

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[REDACTED]

Personnel Director

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1	General Counsel			
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<b>FROM—</b>		<b>INITIALS</b>	<b>DATE</b>	
1	Personnel Director	(Signature)	18 AUG 1952	
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TRANSMITTAL SLIP		
18 September 53 (Date)		
TO: General Counsel Attn: [REDACTED]		
BUILDING South	ROOM NO. 308	
REMARKS:  Colonel White has indicated that no further action is to be taken.  [REDACTED] [REDACTED]		
FROM: Ex/Offr. DD/A		
BUILDING Admin.	ROOM NO. 226	EXTENSION 707

FORM NO. 36-8  
SEP 1946

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